

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION
FILED
MAR 25 2024

In Re: Courtney Nichole Hernandez, Debtor(s)

Case No: 23-30398

Nathan Ochsner, Clerk of Court

CREDITOR'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
AND MOTION TO DISMISS OR DISMISS WITH PREJUDICE

John E. Kostik, Creditor, objects to Confirmation of Chapter 13 Plan and moves to dismiss the case or dismiss with prejudice. I would like to inform the Court of why I object to the Confirmation of Chapter 13 Plan and would show the Court that the plan will fail and thus constitutes grounds for dismissal for the following reasons:

1. Ms. Hernandez and her husband, Brian Keith Sennett own a 3-BR townhouse at 10600 S. Gessner #49, Houston TX 77071, of which I am the mortgage holder. Ms. Hernandez has not made a mortgage payment since July, 2021. Likewise, she is in arrears \$13,758.09 in maintenance fees to the Homeowner's Association and has not paid the Harris County Property taxes for three years on this property (I have been paying them.) Also, neither will sign to accept certified mail.

2. On the March 15, 2023 Meeting of Creditors, Ms. Hernandez raised her right hand and swore to be truthful. The first question to her was "Where do you live?" Her first lie was "10600 S. Gessner." (She did not state a unit number.)

3. Neither Ms. Hernandez nor Mr. Sennett have lived at the above referenced property for over three years. They do stop at the mailbox once in a while to collect mail, but do not visit the townhouse. Because of soaring water bills, Gessner Place Townhome Association board turned off the water to all vacant units. If Ms. Hernandez claims to be living at 10600 S. Gessner #49, she has been doing so without water for the past few years. When asked by the moderator of the March 15th, 2023 Meeting of Creditors about content insurance paid for the property at 10600 S. Gessner #49, Ms. Hernandez testified under oath that she had stopped paying for it over two years prior. No one is living at this property.

4. Whatever value this townhouse holds declines every month by expenses which Ms. Hernandez is not currently paying; yet, are still accruing, nevertheless. It costs Ms. Hernandez at least \$800.00 per month to keep this unoccupied townhouse. Also, vacant homes decay in their own ways (e.g. Dampness, Infestations, Leaks, etc.) and the inevitable decay is diminishing the value of this neglected asset.

5. For years, Mr. Sennett has terrorized neighbors, contractors and sadly, family members with his wild behaviors. On many of these outbursts, Mr. Sennett has brandished and discharged various guns. The latest incident occurred about three years ago when Mr. Sennett drove into Gessner Place being chased by another car. Mr. Sennett got out of his car and shot five rounds at the oncoming car. One bullet hit the leg of a mechanic at the body shop across the street. Several neighbors witnessed the shooting. After the chase car reversed and fled, other neighbors and I saw Mr. Sennett (and his rifle) get in his car and speed out of Gessner Place. I found and guarded the five shell casings until police arrived.

6. After fourteen years of owning this property, Ms. Hernandez owes more now than the original loan amount.

Ms. Hernandez and Mr. Sennett have filed for bankruptcy four times (14-31342, 21-33241, 22-31158 and now 23-30398,) each time financially hindering their myriad creditors—including Gessner Place Townhome Association and myself. Their poor payment history, repeated attempts to declare bankruptcy, refusal to claim certified mail (attached) and the lie under oath about her current address are a few of the reasons Ms. Hernandez should not be given another opportunity to keep hemorrhaging money on a property that has been lying dormant for four years.

For these reasons, I pray that the Court deny confirmation of the plan and dismiss the case or cause Ms. Hernandez to liquidate this unused and decaying property benefiting both her and her creditors.

RESPECTFULLY RESUBMITTED,

John E. Kostik, March 22, 2024
10600 S. Gessner 28
Houston, TX 77071

